

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, }

 Plaintiff, }

vs. }

PARCEL NUMBER 48043 9062,
KNOWN AS 32604 NORTH ELK
CHATTAROY ROAD,
CHATTAROY, WASHINGTON,
AND PARCEL NUMBERS 48043
9061G AND 48043 9061H,
LOCATED IN THE CITY OF
CHATTAROY, SPOKANE
COUNTY, WASHINGTON,
TOGETHER WITH ALL
APPURTEANCES, FIXTURES,
ATTACHMENTS, AND
IMPROVEMENTS THERETO
AND THEREUPON,

 Defendant)

CV-05-259-LRS

Final Order of Forfeiture

Plaintiff, United States of America, filed a Verified Complaint for Forfeiture In Rem on August 24, 2005, alleging that the defendant real property was subject to forfeiture to the United States pursuant to 21 U.S.C. § 881.

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The defendant real property being sought for forfeiture is described as follows:

The North one-half of the North one-half of the West half of the Southwest quarter of Section 4, of Township 28 North, Range 44 East, W.M., in Spokane County, Washington,

EXCEPT Elk-Chattaroy Road; and,

1 EXCEPT Atlantic Road.

2 SUBJECT to any easements, rights of way, reservations,
3 and actions of record.

4 Real property records show that the above-described property is owned by
5 Giovanni Malito and Jeanne Malito, husband and wife.

6 On September 29, 2005, Giovanni Malito was personally served with copies
7 of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for
8 Forfeiture, and Lis Pendens, as evidenced by the United States Marshals form
9 USM-285 filed with the Court on October 6, 2005. On January 24, 2006, Giovanni
10 Malito filed a claim, and an answer to the complaint.

11 On September 30, 2005, Jeanne Malito was personally served with copies of
12 the Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture,
13 and Lis Pendens, as evidenced by the United States Marshals form USM-285 filed
14 with the Court on October 6, 2005. On March 10, 2006, Jeanne Malito filed a
15 claim, and an answer to the complaint.

16 On September 20, 2005, copies of the Verified Complaint for Forfeiture In
17 Rem, Notice of Complaint for Forfeiture, and Lis Pendens, were posted on the
18 Defendant real property, as evidenced by the United States Marshal's form, USM-
19 285, filed herein on October 6, 2005.

20 The Notice of Complaint was published on September 29, October 6 and 13,
21 2005, in the Cheney Free Press, a newspaper of general circulation in Spokane
22 County, Washington. At the latest, the claim period expired on November 12,
23 2005.

24 In a Stipulation for Order of Forfeiture, filed herein on April 17, 2007,
25 Giovanni Malito agreed that the Defendant real property was forfeitable to the
26 United States pursuant to 21 U.S.C. § 881, as property that was used to grow
27 marijuana. Giovanni Malito also agreed to withdraw his claim to the Defendant
28 real property.

In a Settlement Agreement and Stipulation for Forfeiture of Substitute Res, filed herein on April 18, 2007, Jeanne Malito agreed to provide \$70,000.00 as substitute res in lieu of forfeiture of the Defendant real property. Jeanne Malito agreed to the forfeiture of the \$70,000.00 to the United States without further notice.

On December 16, 2008, the United States filed a Notice of Compliance which stated that the \$70,000.00 substitute res had been received by the United States.

No other claims were filed to the Defendant real property.

10 Therefore, all claims to the Defendant real property have been addressed and
11 resolved.

12 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the
13 \$70,000.00 substitute res, is hereby forfeited to the United States of America, and
14 no right, title, or interest shall exist in any other person.

15 I IT IS FURTHER ORDERED that the forfeited substitute res shall be
16 disposed of in accordance with law by the United States Marshals Service.

DATED this 22nd day of December, 2008.

s/Lonny R. Suko

**Lonny R. Suko
United States District Judge**

21 || Presented by:

22 James A. McDevitt
United States Attorney

s/Jane Kirk

25 || Jane Kirk